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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,390	11/03/2003	Daniel Skorez		5807

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EXAMINER

ADAMS, GREGORY W

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/700,390

Applicant(s)

SKOREZ, DANIEL

Examiner

Gregory W. Adams

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-8 is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/14/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 recites the limitation "turntable bearing" in line 10. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

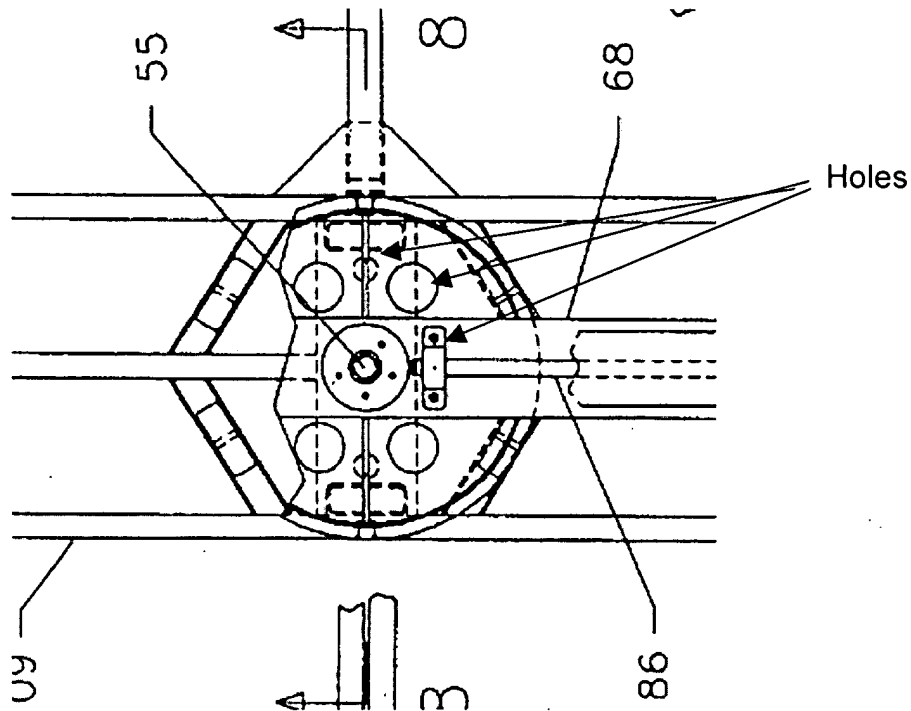
Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Andol (US 6,086,082).

With respect to claim 1, referring to FIGS. 1-15 Andol '082 discloses a system 10 comprising a bearing plate 64,82, rear portion 28, truck or trailer 10, positioning means 112, 114, rotation stop means 140, 150, 76, 78, mounting frame 40, first frame section 109, second frame section 109, lateral beams 36, first frame rail 18, second frame rail 18, bracket 64, turntable or thrust bearing 66, 72, first wheel assembly, 60, second wheel assembly 60, first rotation lock 140, second rotation lock 140, bumper 30,32, first bumper tab 115, and second bumper tab 115, first travel lock, col. 7, lines 9-11, and second travel lock, col. 7, lines 9-11. It is noted that Andol '082 anticipates that two travel locks may be employed. Col. 7, lines 14-15.

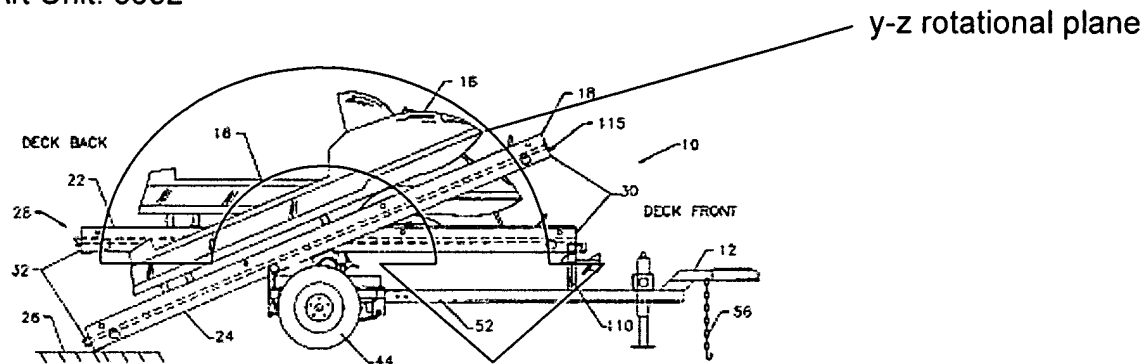
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With respect to claim 2, referring to FIGS. 6-8 Andol '082 discloses an arc shaped bearing plate 64,82.

With respect to claim 3, referring to FIG. 6 Andol '082 discloses a bearing plate 64,82 having holes as defined by those apertures as shown below.



With respect to claim 4, referring to FIG. 6 Andol '082 discloses first travel stop 150, and second travel stop 150. It is noted that Andol '082 is not limited to merely allowing travel of the mounting plate to 180 degrees in an x-y plane but also allows rotation in a y-z plane.



With respect to claim 5, referring to FIG. 6 Andol '082 discloses first travel stop 150, and second travel stop 150 which allows 180 degrees of rotation.

### ***Allowable Subject Matter***

With respect to claims 6-8, the following is a statement of reasons for the indication of allowable subject matter: Specifically, with respect to claim 6 see applicants arguments on page 11, lines 8-17. Applicants plates are horizontal, in parallel to a bearing plate, and including holes, not previously disclosed. With respect to claim 7 see applicant's arguments on page 13, lines 7-15 & 22-24. Applicant recites a lock for travel which includes bumper tabs in a ground plane. With respect to claim 8 see applicant's arguments, see page 11, lines 4-10. Applicant discloses a brake with a spring biasing for locking a including a hole and pin not disclosed in the prior art.

### ***Response to Arguments***

Applicant's arguments with respect to claims 6-8 filed May 14, 2005 have been fully considered and are persuasive. The rejections with respect to claims 6-8 have been withdrawn.

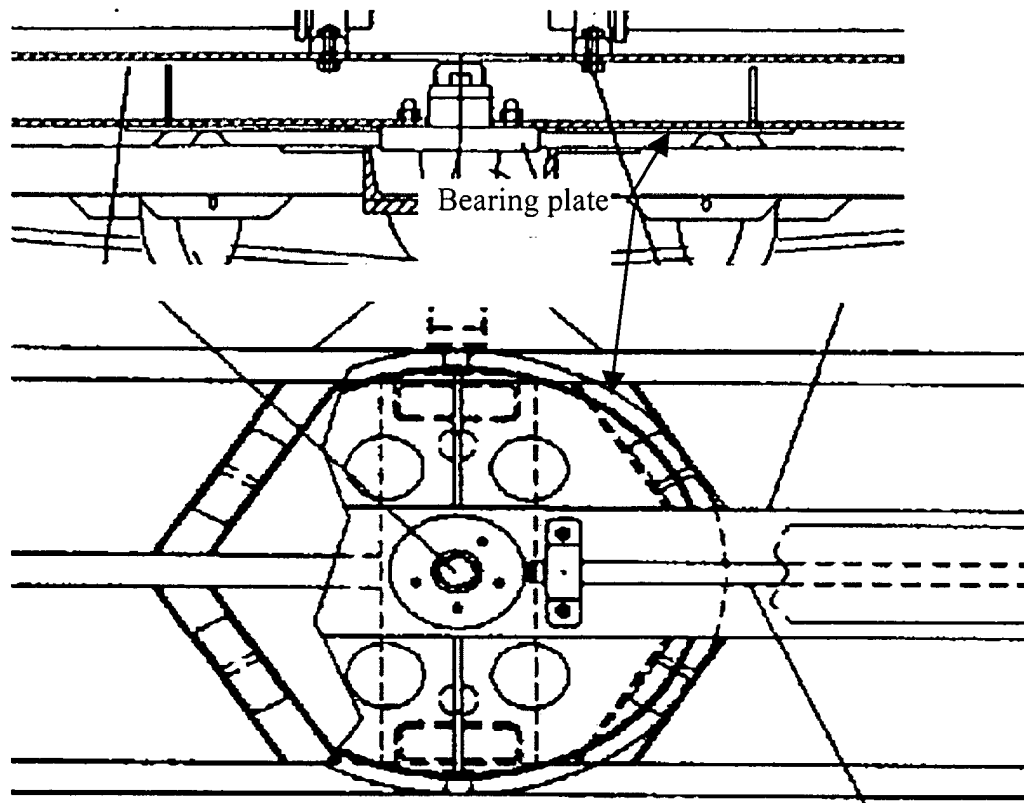
Applicant's arguments filed with respect to claims 1-5 filed May 14, 2005 have been fully considered but they are not persuasive.

With respect to claim 1, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e. travel stops preventing unwanted rotation during operation and transfer up and down valve system motion to truck bumper) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Further, where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term "travel stop" in claim 1 is used by the claim to mean "unwanted rotation during travel". See Applicants Arguments, page 6, Ins. 9-12. This definition defines structure disclosed by Andol's platform rotation lock 110, 112, 113, 114. In other words, in the context of limiting/restricting/stopping travel, i.e. motion, travel implicates several meanings. Applicants may chose to be its own lexicographer but the specification must clearly redefine the term.

With respect to claims 2 & 3, applicant argues Andol '082 bearing plate holes "do not serve any purpose or function in the operation of the invention" is without merit. For better definition, Andol's FIGS. 6 & 7 are reproduced below. A bearing plate and holes allow for fastening of a bearing plate to and allow for rotation of a turntable 66, 72. It is

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noted that applicant provides no structure linking a bearing plate holes to positioning structure, i.e. spring-loaded pin, horizontal plate hole, etc. in applicants claim 5.



With respect to claim 4, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a first travel stop (24) and a second travel stop (26) are each positioned and attached onto the bearing plate (14) at the maximum angular travel limits of the mounting frame (6). The travel stops (24, 26) are made from standard structural shapes common in the industry, and have elastomeric bumper stops (28) attached thereon. The elastomeric bumper stops (28) prevent scuffing or damage to the mounting frame (6) when moved to the maximum angular position) are not recited in the

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rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

With regard to claim 5, at applicants request, the following is further description of a "first travel stop and second travel" each comprising a bumper stop. Travel is defined as "to go from one place to another, as on a trip; journey,... or to advance or proceed." [www.dictionary.com](http://www.dictionary.com). Andol's travel anticipates either type: (1) restricting/stopping rotation in a vertical plane, i.e. loading/unloading rotation, (2) restricting/stopping rotation in a horizontal plane, i.e. rotation of a turntable, and/or (3) restriction/stopping vertical plane rotation and horizontal plane rotation during over-the-road travel. Col. 7, Ins. 3-65. Thus, broadly construed Andol's travel locks anticipate applicant's travel locks. It is noted, that Andol adds additional travel locks 108 comprising a bumper stop 109 for restriction/stopping of vertical plane rotation. It is noted that Andol anticipates an alternative travel lock 90 "In order to lock the decks to keep them from tilting downwardly in a direction rearwardly of the trailer such as during transport or while securing or unsecuring the sleds..." Col. 7, Ins. 50-67. It is further noted that there is nothing within Andol to preclude simultaneous use of travel locks 90, 108-109 and 140, 150 to limit vertical plane travel, horizontal plane travel, or motion induced by over-the-road travel.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory W. Adams whose telephone number is (571) 272-8101. The examiner can normally be reached on M-Th, 8:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GWA



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